

Paper No. \_\_\_\_\_

Filed on behalf of: Senior Party Jonathan D. Zook

By: Jerry D. Voight  
Wesley B. Derrick  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
3300 Hillview Avenue  
Palo Alto, California 94304  
Telephone: 650.849.6600  
Facsimile: 650.849.6666

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

JONATHAN D. **ZOOK**, DAVID W. JORDAN, DEAN M. WILLARD,  
GEORGE JONES, AND MICHAEL COSMAN,  
Junior Party ("PBT")  
(U.S. Patents 6,525,168 and 6,723,827),

v.

JONATHAN D. **ZOOK**, SUSAN E. DEMOSS,  
DAVID W. JORDAN AND CHANDRA B. RAO  
Senior Party ("PRC")  
(U.S. Application 10/644,389).

---

Patent Interference No. 105,555 (MPT)  
(Technology Center 1700)

---

**SENIOR PARTY ZOOK (PRC)**  
**REQUEST CONCERNING MOTION 2**

(Miscellaneous Motion Requesting Acceptance of an Unintentionally Delayed  
Request for Priority Benefit) - Originally filed November 30, 2007)

1 Senior Party Zook (PRC) filed a Miscellaneous Motion, Petition, and supporting papers under  
2  
3 37 C.F.R. § 41.121(a)(3), on November 30, 2007, to perfect the previously claimed benefit of priority  
4  
5 of earlier-filed patent application Nos. 08/802,130 and 09/318,500, now U.S. Patent Nos. 5,912,319  
6  
7 and 6,232,401, respectively.  
8

9 While the Board has issued Judgment (Paper No. 61) on June 30, 2008, an interference is not  
10  
11 considered terminated until no appeal or other review can be taken or had. *See, e.g.*, 37 C.F.R.  
12  
13 § 41.205(a). To expedite the relief sought, perfecting the previously claimed benefit of priority,  
14  
15 PRC requests that the Board forward PRC's earlier-filed request for relief to the Petitions Branch or  
16  
17 grant PRC leave to address the Petitions Branch directly to obtain the desired relief without waiting  
18  
19 for expiration of the time for appeal or seeking other review.  
20  
21

22 Date: July 11, 2008

Respectfully submitted,

23  
24 By: /Jerry D. Voight/  
25 Jerry D. Voight  
26 Registration No. 23,020  
27

28 Counsel of Record for Senior Party Zook (PRC)  
29